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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,247

08/02/2006

Jonathan L. Weber

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BAE SYSTEMS

PO BOX 868

NASHUA, NH 03061-0868

EXAMINER

WACHSMAN, HAL D

ART UNIT

PAPER NUMBER

2857

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,247	Applicant(s) WEBER ET AL.	
	Examiner Hal D. Wachsmen	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-2-06</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of detecting short-burn threats must be shown (i.e. such as in a flow chart for example) or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). The only Abstract found in the application is the one on the first page of the WO 2008/027023 A2 document. An abstract on a separate sheet is required.

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3. The Cross Reference To Related Applications section on page 1 of the specification does not also indicate that the instant application is a 371 of PCT/US05/03811 filed February 7, 2005. Appropriate correction is required.
4. Page 5, line 2, of the specification, cites "the near" however the near what exactly is being referred to here ? Appropriate correction is required.
5. The listing of references in the specification (see paragraph 35 of the specification) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 4, cites "the detector" however the antecedent basis is "at least one temporal threat detector". Claim 1, lines 7-8, cite "operable to analyze the detection signal from each temporal threat detector as a

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function of time to detect the occurrence of a short-burn threat" which is vague with respect to how time is being used here to detect the occurrence of a short-burn threat. This same type of problem also occurs in claim 9, lines 17-19, and claim 16, lines 5-7. Claim 5, line 5, cites "single sensor element..." however was this intended to be "a single sensor element..." ? This same type of problem also occurs in claim 14. Claim 5, line 6, cites "optics" however is this referring to the same optics cited previously in the claim ? This same type of problem also occurs in claim 14. Claim 6, lines 1-2, cite "the single element sensor" however the antecedent basis is "single sensor element". This same type of problem also occurs in claims 7, 15. Claim 9, lines 17-18, cite "the fusion processing circuit analyze the detection signals" however was this intended to be "the fusion processing circuit analyzing the detection signals" ? Claim 9, line 22, cites "the circuit" however it appears that the antecedent basis is "fusion processing circuit". Claim 14, lines 9-10, cite "a staring array processor" however there is some ambiguity here with respect to what "staring" is referring to ? Claim 18, line 3, cites "the operation of determining" which lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bushman (5,999,652).

As per claim 16, Bushman (Abstract, figure 2, col. 8 lines 9-26) discloses "sensing radiation within a field of view" and "generating a single detection signal in response to the sensed radiation". Bushman (Abstract, col. 6 lines 1-8, 26-34) discloses "analyzing the detection signal as a function of time". Bushman (Abstract, col. 3 lines 48-50) discloses "detecting from the analysis whether the signal indicates a short-burn threat has occurred within the field of view".

As per claim 19, Bushman (Abstract, figure 2 – block 28) discloses the feature of this claim.

As per claim 20, Bushman (figure 4, col. 3 lines 48-50, col. 4 lines 46-50) discloses the feature of this claim.

10. The following references are cited as being art of general interest: Sanders et al. (US 2004/0119631 A1) which disclose a deceptive signature broadcast for aircraft, Tran (5,287,110) which discloses a complementary threat sensor data fusion method and apparatus, Warm et al. (5,600,434) which disclose an apparatus for defending against an attacking missile and O'Neill (US 2003/0205126 A1) which discloses a method for protecting an aircraft against a threat that utilizes an infrared sensor.

11. No claims are allowed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-

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2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hal D Wachsman/
Primary Examiner
Art Unit 2857

November 23, 2008